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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/562,432	12/28/2005	Naoki Yamaji	Q91904	3853
23373	7590	08/20/2007	EXAMINER	
SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			COKER, ROBERT A	
			ART UNIT	PAPER NUMBER
			3616	
			MAIL DATE	DELIVERY MODE
			08/20/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/562,432	YAMAJI ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Robert A. Coker	3616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 07/13/2007.
- 2a) This action is FINAL.                                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-7 is/are pending in the application.
  - 4a) Of the above claim(s) 4 and 7 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-3,5 and 6 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 12/28/2005 and 08/16/2007.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election with traverse of Group 1, Figures 1-6, claims 1-3, 6 and 7 in the reply filed on 07/13/2007 is acknowledged. The traversal is on the ground(s) that as applicant stated that "Regarding Group II, it is true that the vent closing is done by tethers, however with respect to controlling the expansion speed of the airbag, there is no difference between the tethers and clothe like pieces. Therefore Group II should be included with Group I." This is not found persuasive because claim 7 has a tether belt that is not found in Groups I or III and claim 4 has an expansion cloth that is not in Groups I or II. Therefore, the requirement is still deemed proper and is therefore made FINAL.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 5 and 6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 5, "according to claim 1 4," is unclear as to which claim, claim 5 depends on.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Fischer (U. S. 6,773,030).

With respect to claim 1, Fischer discloses an airbag device (12) comprising an inflator (14) for generating gas and an airbag expandable by the gas, said airbag device is provided with a gas inflow port (See Figure 1) provided in the airbag through which the gas flows in, a vent hole (42, 72) provided in the airbag for discharging the gas flown in the airbag, a cloth-like piece (60) connected to a vicinity of the vent hole at one end thereof, and to a vicinity of the gas inflow port at the other end thereof releasably, wherein said cloth-like piece does not close the vent hole in a state where the other end is retained, and closes the vent hole due to an internal pressure of the airbag in a state where the other end is released, a retaining device (64) for retaining the other end of the cloth-like piece, and releasing means (74) for releasing retention of the retaining device.

With respect to claim 2, Fischer discloses the airbag device, wherein a length of the cloth-like piece from one end to the other end is shorter than a length of the airbag from one end to the other end.

With respect to claim 3, Fisher discloses the airbag device, wherein the cloth-like piece is connected to an inside of the airbag at one end at a position in the vicinity of the vent hole and remote from the gas inflow port.

***Allowable Subject Matter***

6. Claims 5 and 6 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

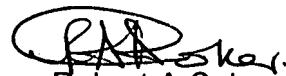
***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hawthorn et al., (U. S. 2004/0012180), Pinsenschaum et al., (U. S. 6,832,778), Fischer (U. S. 6,773,030), Jenkins (U. S. 6,659,499) and Vendely et al., (U. S. 6,648,371) disclose similar features of the claimed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert A. Coker whose telephone number is 571-272-8514. The examiner can normally be reached on Monday thru Friday, 8.30 a.m.-5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on 571-272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Robert A Coker  
Examiner  
Art Unit 3616

  
ERIC CULBRETH  
PRIMARY EXAMINER